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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,155

03/01/2004

Dirk Dobrindt

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PATENT LEGAL STAFF  
EASTMAN KODAK COMPANY  
343 STATE STREET  
ROCHESTER, NY 14650-2201

EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/790,155

Applicant(s)

DOBRINDT, DIRK

Examiner

Thomas A. Morrison

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3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **(1)** the off position of the sheet-offset mechanism, as set forth in claim 2; **(2)** the on-off control for the roll drive element, as set forth in claim 9; **(3)** the several coaxial transport mechanisms, separated from one another, as set forth in claim 14; **(4)** the two transport mechanisms arranged laterally reversed with respect to a mirror surface that is perpendicular to the rotation axis, as set forth in claim 15; and **(5)** each transport mechanism is allocated a sheet-offset mechanism, and the sheet-offset mechanisms are operationally synchronized with each other and preferably coupled with each other, as set forth in claim 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: (1) the specification fails to provide proper antecedent basis for the recited inner side of the tab overhang has a **reduced frictional resistance**, as set forth in claim 12; and (2) the specification fails to provide proper antecedent basis for the recited two transport mechanisms are arranged laterally reversed with respect to a mirror surface that is perpendicular to the rotational axis, as set forth in claim 15.

The disclosure is objected to because of the following informalities: (1) the priority set forth on page 2 of the specification is incomplete. In particular, such priority does not set forth the application serial number and the date of each listed patent application. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Below are exemplary indefiniteness problems.

Regarding claim 1, it is unclear what is meant by the recitation “essentially sheet-like” in line 1.

Also, it is unclear what is meant by the recitation “**particularly** for transporting a sheet of printing material in a printing press, **preferably** in a printing press operated electrophotographically” in lines 2-3 of claim 1.

Moreover, it is unclear what is meant by the recitation “sheet-like element” in claim 1. All occurrences of sheet-like element are unclear, e.g., in lines 5-6, lines 6-7, line 8, line 9, line 11 and line 14.

In addition, it is unclear what is meant by the recitation “gripper-like pickup” in line 8 of claim 1.

Moreover, it is unclear what is meant by the recitation “essentially parallel to the rotation axis” in line 12 of claim 1.

Also, it is unclear what is meant by the recitation "roll-off roll drive element" in line 13 of claim 1.

Claim 1 recites the limitation "said rotating transport mechanism" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the rotation axis" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said sheet-offset mechanism" in line 13. There is insufficient antecedent basis for this limitation in the claim. Claims 2-16 also includes the limitation "said sheet-offset mechanism.

Regarding claim 3, it is unclear if the recited forced motion is (1) forced motion of the sheet-offset mechanism or (2) forced motion of the transport mechanism.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: (1) the structural relationship between the sheet-offset mechanism and the transport mechanism that allows the forced motion to be dependent upon the rotation position of the transport mechanism.

Claim 4 recites the limitation "said coupling" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission

amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: (1) the structure that loads the shifter arm with pressure.

Claim 7 recites the limitation "said lever arm" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 7, it is unclear what is meant by the recitation "a drive motor is provided in the area of said lever arm opposite said roll drive element increasing pressure by its own weight". Increasing pressure on what element? Also, it is unclear as to what element is referred to by the terms "its own weight". Is this the weight of the drive motor?

Claim 8 recites the limitation "said drive train" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said working area" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 8, it is unclear what is meant by the recitation "said shifter arm and said drive train running from said drive motor to said roll drive element is guided out of the working area of said transport mechanism and is angled at least one time". What is angled at least one time? Is the shifter arm or the drive train running from the drive motor to the roll drive element? What is guided out of the working area of the transport mechanism?

Claim 10 recites the limitation "said griper-like pickups" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 10 what is meant by the recitation "gripper-like pickups".

Claim 11 recites the limitation "the outer boundary" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear in claim 11 what is meant by the recitation "gripper-like pickup".

Claim 11 recites the limitation "the wheel body" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the inner side" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said pickup" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 15, it is unclear which rotational axis is referred to in this claim. Is this the rotational axis of the shifter arm?

Regarding claim 16, it is unclear if the recited "a sheet-offset mechanism" is the same or different from the previously recited "at least one offset mechanism".

The above indefiniteness problems are exemplary. Applicant should review all of the claims and make the language clear and consistent throughout the claims.



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,065,997 (Butts et al.).

Regarding claim 1, Figs. 1-8 show apparatus for transporting an essentially sheet-like element (14), particularly for transporting a sheet of printing material in a printing press, preferably in a printing press operated electrophotographically, the apparatus including

at least one rotating transport mechanism (30) for transporting a sheet-like element (14) from a pickup site (near 31) to a delivery site (near 42) and delivering the sheet-like element (14) there, the rotating transport mechanism (30) having, for receiving and entraining a sheet-like element (14), at least one gripper-like pickup (including 33) into which the leading edge of a sheet-like element (14) is introduced or inserted; and

at least one offset mechanism (including 47) coupled with the transport mechanism (30) for laterally offsetting a sheet-like element (14) in the area of the delivery site (near 42) in a direction essentially parallel to the rotational axis (34) of the transport mechanism (30), the sheet-offset mechanism (including 47) includes a roll-off

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roll drive element (47) for offsetting a sheet-like element (14). In particular, element 33 is able to rotate about (i.e., roll off) of element 47. Thus, element 47 can be considered a roll-off roll drive, as claimed.

Regarding claim 2, Figs. 4-5 show that the sheet-offset mechanism (including 47) is moveable from an off position (Fig. 5) into an operating position (Fig. 4). See also column 6, lines 22-31.

Regarding claim 3, Figs. 2 and 4-5 show that the sheet-offset mechanism (including 47) is coupled with the transport mechanism (30) for a forced motion that is dependent upon the rotation position of the transport mechanism (30).

Regarding claim 4, Figs. 2 and 4-5 show that the coupling includes a guide rail (near 48 in Fig. 4), arranged on the transport mechanism (30), which guides a traveling element (49) that is connected to the sheet-offset mechanism (including 47).

Regarding claim 5, Figs. 4-5 show that the roll drive element (47) for moving from or into the operating position is arranged on a shifter arm (including 50) and that can be swiveled around a rotational axis (55).

Regarding claim 6, Figs. 4-5 show that the shifter arm (including 50) is loaded with pressure (via spring 57) in the direction toward a cam (56).

Regarding claim 7, Figs. 3 and 6 show that the shifter arm (including 50) is a two-armed lever (Fig. 3) above its rotational axis (55), and a drive motor (70) is provided in

the area of the lever arm (50) opposite the roll drive element (47) increasing pressure by its own weight.

***Conclusion***

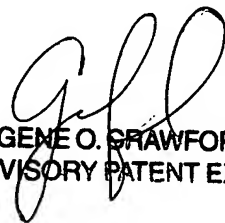
5. The fact that not all of the claims have been rejected in view of prior art is not an indication that such claims contain allowable subject matter, particularly in view of the rejections under 35 U.S.C. 112, second paragraph outlined above. For example, claim 8 is too unclear to understand what structural arrangement is claimed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/23/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER